

REMARKS

Claims 1-2 remain in the application and have been amended hereby.

Replacement sheets for Figs. 1 and 2 are submitted herewith labeling Figs. 1 and 2 as --(Prior Art)--, as requested in the Office Action.

Reconsideration is respectfully requested of the rejection of claims 1 and 2 under 35 USC 103(a), as being unpatentable over the so-called admitted prior art in view of Brito.

The Office Action at page 2 concedes that the so-called admitted prior art fails to show or suggest that the facing is detachable from the cushion of the earpad and cites Brito as curing this deficiency.

It is respectfully submitted that Brito fails to show or suggest a removable facing being detachable from the cushion of the earpad. The facing (38) of Brito shown in Fig. 10 is clearly neither removable nor detachable from the cushion (16). Brito's facing (38) is molded, glued, or fastened to the cushion (16) and then glued by using an adhesive (40,42,42) to the handset so that the earpad assembly clearly has no detachable facing such as the one taught by the present invention and recited in amended independent claim 1. See Fig. 10 and col. 5, line 50 to col. 6, line 13 of Brito.

Accordingly, it is respectfully submitted that amended independent claim 1, and the claim depending therefrom, are patentable distinct over the so-called admitted prior art in

view of Brito.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
COOPER & DUNHAM, LLP

A handwritten signature in black ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" being clearly legible.

Jay H. Maioli  
Reg. No. 27,213

JHM/PCF:pmc